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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,113	01/28/2004	Kazuya Inagaki	ALPSP146	4418
22434	7590	09/20/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			GRIER, LAURA A	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/767,113

Applicant(s)

INAGAKI, KAZUYA

Examiner

Laura A. Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. The indicated allowability of claims 5-6, and 9 (currently cancelled and incorporated into existing independent claims) is withdrawn in view of the newly discovered reference(s) to McCarty et al. Rejections based on the newly cited reference(s) follow.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by McCarty et al., U. S. Pub. No., 20040234088.

Regarding claims 1 and 4, McCarty et al. (herein, McCarty) discloses wired, wireless, infrared, and powerline audio entertainment systems. McCarty's disclosure comprise a plurality of input devices (figure 1) and each being coupled with respective speakers, which reads a on a plurality of electronic devices, a signal processor which constitutes as a sound control device; and receiving means for control signals and audio signals via various communication networks, such as by powerline, wireless (claim 4), IF, and others. (col. Figures 1-1a, 2, paragraphs 003-0036, 0043, 0052, 0062 and 0066).

Regarding claim 2, McCarty discloses everything claimed as applied above (see claim 1). McCarty further discloses producing surround sound signals (paragraph 0109-0111 and figure 11C).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty.

Regarding claims 6 and 7, McCarty discloses wired, wireless, infrared, and powerline audio entertainment systems. McCarty's disclosure comprise a plurality of input devices (figure 1) and each being coupled with respective speakers, which reads a on a plurality of electronic devices, a signal processor which constitutes as a sound control device; and receiving means for control signals and audio signals via various communication networks, such as by powerline, wireless (claim 4), IF, and others. (col. Figures 1-1a, 2, paragraphs 003-0036, 0043, 0052, 0062 and 0066). However, fails to disclose a lighting apparatus, and the sound control device sending a control signal in respect of the lighting apparatus. The use of transmitting and processing sound and light in conjunction with the each other is well known in the art. Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of McCarty by implementing a lighting apparatus, and thus enabling control signal

for the lighting apparatus for the purpose of enhancing the listening environment and the performance of audio entertainment system.

6. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCarty in view of Ohta.

Regarding claim 3 and 8, respectively, McCarty discloses everything claimed as applied above (see claims 1 and 7, respectively). McCarty fails to disclose a sound collector, a test signal transmitting means and correction means (herein, acoustic correction means).

Regarding the acoustic correction means, in a similar field of endeavor, Ohta discloses an automatic sound field correcting system and sound field correcting method. Ohta's disclosure comprises an microphone (8), which reads on sound collecting means, a noise generator (3), which reads on a test signal transmitting means, and an amplifier coupled the output of the microphone and a signal processing circuit (correction means) – (figure 1-2 and paragraph 0039, and 0043-0044), which reads on acoustic correction means.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of McCarty by implementing acoustic correction means for the purpose of correcting the acoustic of the loudspeakers' output in relation to the listening environment in which the loudspeakers are located to provide enhanced sound quality as taught by Ohta.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4, 6-8 have been considered but are moot in view of the new ground(s) of rejection.

The applicant provided remarks in the respect the amended claims based upon the indications of the previous Office Action. However, upon further consideration and search, a new art rejection has been provided. The new reference of prior art teaches the concepts of the invention with a plurality of electronic audio devices coupled to a communication network, which may varied transmission technologies such wireless, infrared, power line and others.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (571) 272-7518. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Laura A. Grier", is written over the printed name.

Laura A Grier

Primary Examiner

Art Unit 2644

September 18, 2005